

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ALBERTO REYES, III,

Plaintiff,

V.

EQUIFAX, et al.,

Defendants.

## ORDER

21-CV-3496 (WFK) (RLM)

**WILLIAM F. KUNTZ, II, United States District Judge:**

On November 5, 2021, the Honorable Magistrate Judge Roanne L. Mann filed a sua sponte Report & Recommendation (“R&R”) recommending this Court dismiss Plaintiff’s claims against Resurgent Capital Services and LVNV Funding, LLC without prejudice for lack of prosecution and failure to serve. ECF No. 10. That same day, Plaintiff’s counsel filed a letter addressed to Judge Mann, but docketed as an “Objection,” stating that Plaintiff has entered into a settlement agreement with Resurgent and LVNV Funding “on or about September 21, 2021.” ECF No. 11. Judge Mann treated the “objection” as a motion for reconsideration and declined to modify the original R&R.

After a review of the record this Court ADOPTS the R&R in its entirety. Plaintiff's claims against Resurgent Capital Services and LVNV Funding, LLC are hereby DISMISSED without prejudice for lack of prosecution and failure to serve.

**SO ORDERED.**

s/ WFK

HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

Dated: December 10, 2021  
Brooklyn, New York